

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOHNNIE MAE MYRICK,)
Plaintiff,) CIVIL ACTION FILE
v.) NO. _____
MODIVCARE INC., MOTIVCARE)
SOLUTIONS, LLC, and JOHN DOE,)
Defendants.)

NOTICE OF REMOVAL

COME NOW defendants ModivCare Inc. and ModivCare Solutions, LLC, erroneously named as Motivcare Solutions, LLC ("ModivCare Solutions"), and, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On March 20, 2023, plaintiff filed a complaint in the State Court of Fulton County, Georgia, Civil Action No. 23EV001648, which county is within the Atlanta Division of the Northern District of Georgia.

2.

This notice of removal is filed within the time period prescribed by 28 U.S.C. § 1446(b).

3.

Defendants were purportedly served on July 12, 2023.

4.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders filed or served in connection with this action, other than those attached hereto.

5.

This Court has original jurisdiction over plaintiff's claims under 28 U.S.C. § 1332.

6.

There is complete diversity among the parties.

7.

Plaintiff is a citizen of Georgia.

8.

ModivCare Inc. is a Delaware corporation with its principal place of business in Denver, Colorado. (Ex. B.) Accordingly, it is a citizen of Delaware and Colorado for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

9.

ModivCare Solutions is a Delaware limited liability company whose sole member is ModivCare Inc. (See Ex. C.) Accordingly, ModivCare Solutions is a citizen of Delaware and Colorado for diversity purposes. *See Flintlock Constr. Servs., LLC v. Well-Come Holdings, LLC*, 710 F.3d 1221, 1224 (11th Cir. 2013) (internal quotation marks omitted) ("For the purpose of determining diversity jurisdiction, a limited liability company is a citizen of any state of which a member of the company is a citizen.").

10.

Defendants make a plausible allegation that plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 135 S. Ct. 547, 554 (2014). Specifically, plaintiff is seeking general and special damages for allegedly "serious bodily injuries," including for medical expenses for ongoing treatment. (Compl. ¶ 10.)

11.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Fulton County, Georgia.

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/s/ Dustin S. Sharpes

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, I filed the foregoing *Notice of Removal* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants.

Counsel of record is:

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